

REMARKS

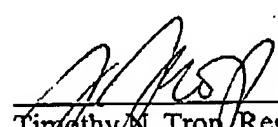
Claim 40 has been amended to include the subject matter of claim 43, indicated to be allowable, without the intervening dependent claims, which are not believed to be pertinent to patentability.

With respect to the rejection under Section 102, it is noted that claim 40 is a statutory class. It does not fall within the exception of a mathematical algorithm, a natural phenomenon, or law of nature. In other words, the statute mandates that all things that fall within the statutory classes, except those things denominated as exceptions, are patentable. Here, none of the three exceptions apply and, therefore, the Section 101 analysis never takes place. Here, there is nothing that can arguably be called even a computer algorithm. All that is claimed is a series of structures including a processor and a flash memory. It has never been required that the result of a system, such as a computer system, needs to be explained in the claim. The use of the computer system with denominated parts clearly has usefulness. One can use it to do computing. One can use it to do anything computers always do. No algorithm is ever set forth. Therefore, in view of M.P.E.P. § 2106(c), reconsideration is respectfully requested.

To attempt to further clarify, the material in M.P.E.P. Sections 2a and b, cited in the office action, only apply when one of the exceptions arises. Under c, this is explained. See the paragraph above, item 1 on M.P.E.P. page 2100-11. There it is explained that "while abstract ideas, natural phenomenon, and laws of nature are not eligible for patenting, methods and products employing abstract ideas, etc. may well be." "In evaluating whether a claim meets the requirements of Section 101, the claim must be considered as a whole to determine whether it is for a particular application of an abstract idea, a natural phenomenon, or law of nature, and not for the abstract idea, natural phenomenon, or law itself." Here, all we have is a claim that claims a processor and a flash memory storing certain information. The stored information, such as information for use in locating the file data in the flash memory has an obvious, practical application. It allows data in the memory to be found. If the data in the memory cannot be found, then it cannot be used. Thus, the practical application, while not required, is clearly evident.

Therefore, reconsideration is respectfully requested.

Respectfully submitted,



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